

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

In re:	§	Case No. 09-51928-705
	§	
Whitney Design, Inc.,	§	Chapter 11
	§	
Debtor.	§	[Related to Docket #66]

ORDER SUSTAINING IN PART THE OBJECTION

Upon further consideration of the pleadings, statute and case law, the Court **FINDS** that the avoidance actions may not be sold pursuant to the proposed asset purchase agreement, **HOLDS** that sustaining the Objection [Docket #66] to the Debtor's Motion to Sell [Docket #31], as to its objection to the inclusion of the avoidance actions in the property proposed to be sold, is proper, and **ORDERS** that the Objection on this ground alone be **SUSTAINED IN PART**. The Court **GRANTS** the Debtor until **Thursday, January 21, 2010, at 12:00 P.M. (Central)** to file an amended motion to sell and a revised asset purchase agreement, with terms consistent with this Order, for the Court's immediate consideration.



CHARLES E. RENDLEN, III
U.S. Bankruptcy Judge

DATED: January 19, 2010
St. Louis, Missouri
mks